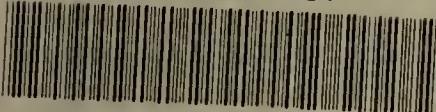


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# **Charting the Course: Public School Options for the 1990s**

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## **The Charter School Conference Report**

**December, 1993**

**The Commonwealth of Massachusetts  
Executive Office of Education  
Piedad Robertson, Secretary**

941/202

This report on the October 23, 1993, conference on charter schools was prepared by the Massachusetts Executive Office of Education. For more information regarding charter schools in the Commonwealth of Massachusetts, contact:

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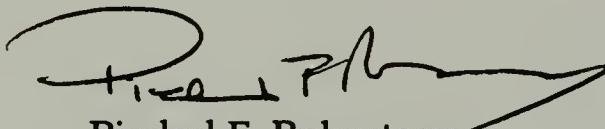
Dear Friends,

With the signing of the Education Reform Act of 1993, the Commonwealth of Massachusetts has embarked on a fresh new course of educational reform, providing for the creation of new "break-the-mold" charter schools. I look forward to the possibilities that these experimental schools offer to the state of public education here in Massachusetts.

The recent conference, *Charting the Course: Public School Options in the 1990's*, has given us renewed confidence in the potential of charter schools to stimulate valuable educational innovation. This conference brought together people of diverse backgrounds with unique perspectives to share. It was an exciting experience to witness the atmosphere of enthusiasm and creativity that was generated through discussion and the sharing of ideas. The conference was an ideal way for us to gather valuable new insights as we seek to implement this cutting-edge reform.

For all those involved in the creation of charter schools, the work that lies ahead is great. Without collaboration and commitment from various segments in the community, charter school reform will be nothing more than another well-founded, yet unrealizable theory. Let us work together to build new schools which will serve as models for public education, not only here in Massachusetts, but across the nation.

Sincerely,



Piedad F. Robertson  
Secretary of Education



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# Laboratories of Education: The Massachusetts Vision

American public education was born at the dawn of the American Industrial Revolution. The features of public education that most of us find so familiar—the orderly rows, the lesson plans of memory and rote, the school day sectioned by ringing bells into precise work units—were acquired when the American workplace stirred to the syncopated rhythms of the cog, the spindle, and the wheel. A product of the age of mass-produced, interchangeable parts, America's noble experiment in universal public education was conducted on a grand scale with educators acting like foremen using the standardization and regimentation of the factories for which graduates were being fitted.

## Local Empowerment

America's early education system was an efficient and orderly system, and within limits served its purpose. But could anything be less suited to the complex social environment our schools find themselves in today? To meet these future challenges our education system will have to assume the attributes of the world for which it is preparing its students: flexible, experimental, able to assimilate and adapt to change, far more responsive to the new demands of a dynamic environment. This is not something Massachusetts' present school system does easily or well.

As ours is an age of innovation, our schools must become more innovative, more creative and diverse. Encouraging this creativity and innovation, and giving it room to grow, was the fundamental principle of the recently enacted Education Reform Act, signed into law by Governor William F. Weld on June 18, 1993. Education may be the single largest public undertaking, but our reform initiative stressed local control, site-based management, teacher empowerment and parental choice. It recognized that despite the elaborate organization that has grown up around our public schools, education is still very much an individual pursuit that struggles against the shackles which our attempts to perfect systems have imposed.

Look at any school system, large or small,

which can be judged troubled by any criteria you care to select, and you will find a school here or a classroom there performing spectacularly well. Investigate a little further and you are likely to discover an inspired teacher or principal as the primary cause of this success. The energy which they bring to the classroom, their enthusiasm for teaching and learning, their creativity in discovering new ways to teach old truths will do far more to ensure that their class or school succeeds than anything we can do to reform "systems"—for systems do not teach children, people do.

## Program Diversity

As our society has moved forward, undergoing major structural and institutional transformations, so too has our education system adapted with new approaches to public education. Over time, public education has gradually evolved into special programs designed to better serve different segments of the student population. Programs for the academically or artistically inclined were developed. Those students with special needs, requiring specialized attention, were no longer discarded or ignored, but encouraged and nurtured. As implementation of these specialized programs expanded, so did our understanding that, due to their very individuality, children learn different skills at different paces. We began to accept that providing the same programs for diverse individuals is not enough. In other words, we learned that *equal* does not mean *identical*.

## The Charter Experiment

First we learned to apply this to classrooms, and more recently, to entire schools. As the turn of the century draws near, society is looking more critically at the large standardized schools that deliver public education to our children. Recognizing the need for diverse options in public schooling, a central piece of the Education Reform Law is a provision for the establishment of 25 new charter schools, which will be created and run by individuals or groups. The character of each of these schools will vary dramatically, and will reflect the unique values and concerns of the school's

founders and local community. Charter schools will be open to all and will be publicly funded. Although charter schools will differ as much between districts as between neighborhoods, their principal characteristics will nevertheless remain constant. Under the Education Reform Act of 1993, a charter school is its own legal entity, independent of the school district in which it is located. A charter school is given authority to deliver public education through a charter granted by a state governmental body, the Executive Office of Education, for a period of five years, upon which time the school must apply for renewal of its charter.

### **Enterprise and Innovation**

The value of charter schools is widely recognized. Unlike other educational reform theories, charter school legislation has seen unusual consensus, cutting through traditional conservative-liberal divisions. Neither is the birth of the nationwide charter schools movement simply a political compromise between the competing reform concepts of public school choice and private school vouchers; it is the outgrowth of a widespread recognition that local empowerment is the key to strengthening public education. While the state is competent to set standards, to raise expectations, and demand accountability, it is *incapable* of designing a single program appropriate for the educational needs of more than 850, 000 Massachusetts school children. What our public system desperately needs are creative individuals who have the freedom to take general educational aspirations and transform them into specific programs that can be replicated elsewhere, by entire school systems.

Despite what some critics of charter schools have asserted, the development of these schools is not predicated on the idea that public education will or should be dismantled. Rather, Massachusetts' 25 charter schools will serve to strengthen public education by offering unique local "laboratories of experimentation" to give the larger system new vision as it adapts to the complex social and economic challenges of the 21st century. Those who dismiss the potential of charter schools are overlooking a rare opportunity to reinvigorate our public school system from within. Charter schools offer the promise of introducing new dynamics of *enterprise* and competition into a slow-to-change system of public education, desperately in need

of reform. The social costs of doing nothing, most should agree, are greater than the risks of starting charter schools.

### **Opportunity for Change**

For education reform to be successful it must be bold, and it must offer a tangible vision of what tomorrow's public schools can be. Massachusetts' charter schools legislation is indeed a bold step towards meaningful and lasting educational reform. By giving parents, teachers, museums, higher education institutions, and businesses the opportunity to innovate with public schooling, this legislation decisively opens the door for change.

Undoubtedly, charter school founders will face great obstacles as they seek to create a "break-the-mold" school. To dream is one thing; to convert a vision into a practical reality requires much thankless, behind-the-scenes leg work. Charter school founders, teachers, and students should prepare themselves for intense scrutiny, especially during the school's early days of operation. Regardless of their widespread popularity, charter schools will have their vocal skeptics who will point to early frustrations as signposts of future failure. These alternative schools will perhaps be judged with greater severity than will be applied to chronically under-performing schools in existence today. The challenges are indeed great, but for those who persist, the rewards will be even greater. Those who choose to embark on this uphill journey are those who recognize that what *can be* is greater than what *is*.

# Charter School Conference Overview

**W**ithout question, charter school founders will have to be pioneers. The frontier set before them is unknown. It is *they* who will explore the limits of charter school reform. By entering into uncharted territory, today's charter school founders will lay the groundwork for the future success of generations of students and educators alike.

## Participants

These pioneers bear no standard stripes or trappings; they are scattered throughout the Commonwealth in various walks of life. This past fall, a rare cross-section of these reform-minded people came together to explore the new possibilities created by Massachusetts' charter school legislation. On October 23, 1993, over 160 individuals from across the Commonwealth assembled for an all-day conference, entitled "*Charting the Course: Public School Options in the 1990s*." This convocation brought together an exceptionally diverse group of charter school enthusiasts, community leaders, parents, educators, representatives of higher education institutions, and the private sector. Uniting this divergent body of participants was a deep concern for the current condition of public education, as well as a reformer's zeal focused on the potential of charter schools.

The conference was co-sponsored by the Boston-based Pioneer Institute for Public Policy Research and the Executive Office of Education. The goals for the conference were straightforward, and our expectations quite simple: to listen to the concerns and opinions of all those interested in charter school reform, and to provide a forum for creative thought.

One participant, a young teacher, captured the prevalent mood at the conference. At the end of a long day of listening to speakers, participating in workshops, and engaging in endless dialogue, she remarked that she, surprisingly, was not tired from the day's event. Rather, she said she had never been so excited, so inspired about what committed individuals can achieve if given the opportunity. She said that she felt as if she had been given "wings to fly."

## State Officials

The conference began with welcoming remarks from the Massachusetts Secretary of Education, Dr. Piedad F. Robertson, and from the Commissioner of Education, Dr. Robert V. Antonucci. In their opening remarks, both established the central theme for the conference—one of collaboration and openness to new ideas. Secretary Robertson reiterated the primary purpose of the conference was to listen to the concerns and opinions of all participants and potential charter school applicants. The Secretary impressed upon the attendees that this conference ought to be utilized as an opportunity to network and share ideas. She also expressed her confidence that Massachusetts would remain in the forefront of the nationwide charter school movement.

## Pioneers

Conference participants were given the opportunity to learn more about charter school initiatives presently underway across the nation, and to learn specifically about the initiatives in Minnesota and in East Harlem, New York. Two nationally known pioneers of the charter school concept, Seymour (Sy) Fliegel and Ted Kolderie, presented their first hand perspectives on the success of charter schools in East Harlem and Minnesota.

## Panelists

A panel of Massachusetts education policy specialists, business leaders, and representatives of non-profit education organizations, shared their experiences in experimental schooling. The panel discussion was moderated by Jim Peyser, Executive Director of the Pioneer Institute for Public Policy Research. The presentations and discussions delivered by the panelists were as diverse as the questions which later followed from the audience. Below are some highlighted points made by the panelists.

**Michael Ronan**, Superintendent of Uxbridge Public Schools, pointed to the similarity in mission of charter schools and conventional public schools. He affirmed that charter schools

should not be viewed as a threat to public education, but simply as a mechanism for more effectively delivering public school goals.

**Dr. Hubie Jones**, of the McCormack Institute, at the University of Massachusetts at Boston, discussed the need for affirmative policies to ensure that charters do not create a "multi-tier system which segregates school populations by race and class." According to Dr. Jones, charter schools should not serve to further segregate our public school system along race and class lines, but should instead bridge the gap by allowing for the creation of schools with unique and socially innovative missions.

**Judy Burnette**, of Coalition of Advocates for Reform in Education, shared some insights from her professional and personal journey of trying to reform the educational establishment. Having encountered much resistance along the way, she emphasized the need for unwavering perseverance to counteract the forces of apathy that resist fundamental change. Effectual change does not occur overnight; it is the outgrowth of long-term, sustained effort and commitment.

**Ray Stata**, Chief Executive Officer of Analog Devices and member of CEO's for Fundamental Change in Education, shared with the audience a list of common ingredients essential for the success of both charter schools and businesses: a clear vision; a clear sense of priorities; fluid organizational structure; autonomy; smaller scale social units; accountability to the consumer; and, a nurturing network.

**Sid Smith**, former Principal of Boston English High School, stressed the value of making charter schools universally accessible to *all* students, including those who have no one advocating on their behalf. Without conscious effort, Mr. Smith cautioned, charter schools will simply become another choice for children with involved parents who already have access to a range of schooling options.

**Dr. Chester Finn**, of the Edison Project, cautioned the audience about what he perceives to be a "double standard in evaluating the efficacy of reforms and the performance of the status quo." Charter schools, he maintained, should not be held to unreasonable standards of perfection while the status quo is permitted

to "engage in malpractice year after year after year."

Representing YouthBuild Boston, Inc., **Jackie Gelb** presented a clear example of how local creativity in education can positively affect the lives of its students. She described YouthBuild's mission of using alternative modes of instruction, e.g. construction projects, as a way in which to help young "drop-outs" earn their General Equivalency Diploma and become employable, productive members of society. Conference participants had the opportunity to hear a firsthand testimony from two YouthBuild graduates, **Yvette Ramos** and **Daniel Pinckney**, about how the program has positively affected their lives.

The discussion that followed was characterized by a sense of optimism, tempered by an awareness of the many complexities involved in any attempt at real education reform. The varied experiences of the panelists provided a springboard to delve into issues of concern. Several participants, eager to launch their innovative educational concepts, were cautioned by the panelists that the challenge before them is not an easy one. The exchange offered an opportunity for collective discussion about both the practical and conceptual aspects of charter school reform.

## **Workshops**

In the afternoon, attendees proceeded to workshops where specific topics were explored. Workshops were focused on the following categories: curriculum and school programs, school finances and start-up issues, school / student evaluation and school management. If the large turnout and high level of enthusiasm at the conference are accurate gauges of the state-wide support for charter schools, the Executive Office of Education should expect to receive a steady flow of innovative charter proposals. A majority of the participants appeared ready to embrace the challenges implicit in founding, operating, and developing one of Massachusetts' 25 new "break-the-mold" schools. In fact, many came with proposals outlining their vision for a charter school. Based on the number of calls and inquiries made to the Executive Office of Education since the conference, there are many pioneers across the state who are both committed and prepared for this extraordinary undertaking.

## Common Themes

The most outstanding outcome of the conference was the opportunity it afforded for collaboration and dialogue among people interested in educational reform. Relationships were developed at the conference which may indeed become the building blocks for tomorrow's charter schools. Creative energy was given voice, as attendees shared their ideals and dreams for public education in Massachusetts. The fruit of this exchange of ideas was an affirmation of hope in the potential of charter schools, as well as the emergence of some common themes. The following discussion is a reflection on some of the highlights of the ideas that surfaced at the conference.

- ***Focus on learning.*** Most conference participants seemed committed to distilling the focus of the reform debate on the actual needs of the main character in the public school drama—the learner. Too often the paramount issue in education—learning—is obscured by the particular agendas of more peripheral, yet outspoken actors. Most participants agreed that the bottom-line objective of all of Massachusetts' twenty-five new charter schools should be the advancement of the learning opportunities of our students.

Because of the grave social problems affecting so many public schools, many have reached a point of despair, where success is measured no longer by how much a student learns, but rather by how few students drop out of school. To re-focus the attention of schools on the learning accomplishments of their students, participants proposed that charter schools be required to develop clear mission statements and learning goals for charter eligibility. Furthermore, charter school founders should be encouraged to re-evaluate current modes of curricula and pedagogy, and to strive to inspire students to greater heights of learning.

- ***Laboratories of experimentation.*** The conference was characterized by an air of excitement, as attendees explored the possibilities of finally being able to put into action many of the reform theories long frustrated by forces of inertia in the public school system. Charter schools now offer educational reformers an opportunity to experiment, on a small scale, with new dynamics that also have the potential to influence the larger public systems.

The conference served as a valuable forum to stimulate the flow of creative ideas that will hopefully give birth to Massachusetts' new charter schools. The prospect of starting a new public school has given many educational innovators a renewed zeal for rethinking how Massachusetts delivers public education to its children. One could sense this critical thought as attendees discussed every aspect of starting a charter school, from curriculum development to more practical matters as finding a school building. Participants unanimously agreed that charter schools should adopt entrepreneurial characteristics whenever possible, whether in management, finances, personnel, or school operations. Charter schools may indeed provide a creative infusion of new blood into a system plagued by inertia.

- ***School as a community.*** With the pervasive break-down of the American family and the demise of the "neighborhood," many children come to school deprived of the attention and the security they need from caring adults. Many conference attendees hope to see the establishment of charter schools which strive not only to teach students how to think, but also how to *live* in a meaningful community. With their smaller size and relative local autonomy, charter schools will have unprecedented freedom to foster a close-knit school environment, one which nurtures the self-esteem of its students. A charter school should ideally be a place where students can develop meaningful relationships with teachers and staff, and where students can learn to respect one another.

From the start-up phase to the actual governance of the school, charter schools will be sustained by the involvement of local people who have a firsthand stake in the success of the school. Charter schools have great potential to foster a stronger, more cohesive sense of community, not only at the school, but also in the larger area in which the school is located. To more effectively bridge the gap between school and community, many envision charter schools as acting as a "quasi-community center", where students, parents, and interested community members can come together to participate in social and educational programs.

- ***Democratic schooling.*** One important aspect of a child's education is the development

of a healthy attitude toward the world in which one lives. For many charter school proponents, charter school reform has opened the door for establishing school cultures and management structures more consistent with the democratic principles that are the foundation of our society. By including students in the school's decision-making process, through such ideas as all-school "town meetings" and student representation on the board of trustees and school-based committees, many hope to model genuine democracy in action. To broaden a child's view of the world, and to reinforce her ethic of civic responsibility, many attendees expressed plans to combine community service with academic learning. A policy of student inclusion in decision-making is believed by many to not only foster self-confidence in the student, but also serves to demonstrate first-hand how decisions always result in consequences.

- **Values-based education.** Increasingly, society is demanding more from its public schools; no longer is the primary goal of public education merely to teach children how to read, write, and do arithmetic. In order to prepare students for life as well-adjusted citizens, most seemed to recognize that schools, charter schools in particular, must teach more than just the academic basics; they should aim to educate the *whole child*. While there may have been consensus about the merits of values-based education, not surprisingly, there was little or none when discussing what those values should be.

In this complex, pluralistic society, whose values, if any, should be taught in the public school system? Participants who came representing organizations with religious affiliations seemed particularly sensitive to the philosophical implications of allowing publicly-funded schools to propagate values rooted in a secular paradigm, while prohibiting those rooted in a religious tradition. Reference was made to the evolving interpretive nature of the concept of "separation of church and state" and the historical role the church has played in the founding of many of our country's great educational institutions.

- **Teacher empowerment.** The numerous classroom teachers present at the conference provided a valuable perspective on the enlarged role that teachers will play in the day-to-day operations of a charter school. By creating

opportunities for teachers to start and help run a school, charter school reform is tapping into the expertise and accumulated experience of people who have been "working in the trenches" of our public school system. Unleashing the creativity of our teachers, most agreed, would serve to breed a renewed sense of empowerment and professionalism among teachers at charter schools.

- **Parental involvement.** A common lament in educational reform circles, as this particular gathering demonstrated, is that the failure of traditional public schools can be attributed in part to the exclusion and disregard for the input of parents. Schools which are unreceptive to parental concerns tend to breed a feeling of alienation and apathy among the very people who, on a daily basis, entrust their children to the care of the school.

Most at the conference believed strongly that parents should have a say in the education of their children. By bringing the school closer to the community, many charter school enthusiasts hope to encourage the involvement of parents in the life and governance of the school. The importance of parental involvement was stressed again and again, as people discussed factors contributing to the success of charter schools. If parents are involved in the operations of the school, a child's chances of success are multiplied greatly.

- **Community partnerships.** A common thread throughout most of the dialogue at the conference was the awareness of the need for community support behind a charter school proposal. The financial and human costs of starting a school are far too great to surmount without collaboration among various parties. All agreed that the key to starting a successful charter school is working together with people who share a like vision, yet bring different resources and expertise to the table.

Undoubtedly, lone reformers will not have the competitive edge of groups who work in cooperation. Many participants expressed interest in the Pioneer Institute's role in brokering working partnerships between educators and other groups in the community, such as museums, non-profits, and corporations.

- **Governmental support.** Tempering the participants' idealism for reform, was an underlying concern about the prodigious challenges, and the risks involved in starting a new school. Many of the people who will be applying for a school charter will be groups or individuals with few financial resources and little clout with players in the government establishment. Some supported the creation of a central resource to help school organizers obtain available grant money to get their school plans off the ground.

Considering the scrutiny that charter schools will likely receive by opponents, especially during the formative stages, the state should not simply sit back and let charter schools "sink or swim." The need for some form of technical support, participants emphasized, is particularly critical during the period between approval of a charter and actual commencement of the charter school's operations. One practical idea was the creation of a central office or "hotline" for the sole purpose of providing answers to difficult technical and legal questions.

- **Equity.** Contrary to the predictions of charter school skeptics, a surprisingly high number of conference attendees have discussed plans to start charter schools which target student populations from more needy socio-economic areas. Many believe that the structure of charter schools is ideal for reaching students who, for whatever reason, have fallen through the cracks of traditional public schools. Many cautioned that charter schools should not simply become new elite academies which provide a cheaper, public school alternative to sending a child to private school. Rather, charter schools should provide new options for children who are disproportionately under-served by existing public schools.

Some proposed that the Executive Office of Education show some degree of preference towards those proposals which aim to serve underprivileged or "at-risk" students. In addition, concerns were raised throughout the conference about the process of determining student tuition formulas in a fair and equitable way which neither cripples existing public schools nor impedes charter school development.

- **Flexibility.** One of the more commonly voiced pleas at the conference was that government not "over-bureaucratize" Massachusetts' charter school experiment. With first-hand experience in the public school system, many participants came with an understandable skepticism towards unresponsive public school bureaucracies, as well as a frustration with what they perceive to be "never-ending governmental red tape." Clearly, cumbersome and excessive regulations would undermine the intent of the legislation and effectively serve to knock the legs out from under the Massachusetts charter school initiative.

Some argued that our charter school legislation, without waiver provisions, already contains too many regulatory impediments to local autonomy. In short, the common theme emerging from the conference dialogue was: *minimize regulations, maximize freedom*. However, many did support the notion of using regulations and guidelines to clarify the law, and to further such socially beneficial agendas as diversity, non-discrimination, and community representation on school boards. Whenever possible, participants argued, the Secretary of Education should avoid rigid procedures which might squelch originality and lead to "cookie-cutter" charter school proposals.

## **Summary**

The success of the conference can be attributed to the meaningful exchange of ideas that took place among such a reform-oriented group of professionals. Attendees left the conference for areas all over the state, bringing with them new ideas, new contacts and new vision. Keeping in mind that the principal purpose for holding this conference was to listen to the participants' views and concerns about the establishment of charter schools, this conference report has sought to underline the major themes that emerged during the conference's main session and topic-specific workshops. The Executive Office of Education has benefited enormously from the thoughtful comments, experiences, and input of each participant. The conference has given the Secretary of Education a pool of ideas to draw from as she seeks to implement this important new reform.

# What's Next?

**W**hen Governor Weld signed Chapter 71 of the Acts of 1993, the Education Reform Act, he indicated that there were provisions of the act in need of strengthening. Of particular concern were those sections dealing with charter schools. The Legislature had approved the general concept of establishing these innovative schools, but had confined their effectiveness and reach by imposing an arbitrary ceiling on the number of schools that could be created and the number of students who could attend. As a result, the governor filed H.5293 shortly after signing Chapter 71. The Administration's bill would:

- Remove caps on the number of schools that may be established, both statewide and in individual cities, and on the number of students who may enroll.
- Revise the tuition reimbursement formula to base the tuition amount on "foundation" funding rather than on average per-pupil spending.
- Provide for waivers to exempt charter schools from certain regulations and personnel rules which prevail in other public schools.
- Move forward the start-up date for charter schools from the fall of 1995 to July 1, 1994.

The Legislature has yet to act on this bill. While the likelihood of opening charter schools in the fall of 1994 remains remote, the Executive Office of Education is proceeding with an application process that would allow early establishment of charter schools, should the Governor's proposed changes be enacted. Based on the quality of the charter school concept papers received so far, EOE is confident there are some applicants who would be prepared to open in 1994. There are mostly established organizations already operating a public school or related program. For most other applicants, 1994 will serve as an "incubator" year during which time they will refine their charter proposals for a 1995 application.

## The 1994 Application Cycle

In preparation for possible changes in the charter school statute, the Executive Office has

established a two-part, "transition" application process to accommodate those applicants who may be ready to open their doors as early as July, 1994. The 1994 application cycle is required for those who wish to open in 1994 but is optional for all other applicants. Those who do decide to submit a preliminary application (Part I) will have the advantage of longer planning time and a more "official" status which may be beneficial in negotiating with vendors or personnel or to enter into contracts.

**Part I:** For applicants not much beyond the conceptual stage, EOE has established a screening application (Part I) which addresses basic eligibility criteria such as: school mission, goals and objectives, student population served, admissions policy and a general description of the applicants. This process will be used to determine whether applicants are in compliance with specific provisions of the charter school sections of Chapter 71.

**Part II:** The second part of the application requires more detailed information on school management and operation. The application will afford an opportunity for those who desire an approval by March 15, to complete as much of the application as is feasible so that the Secretary can issue a charter on a conditional basis as currently permitted by law. The approval will be conditioned on the submission of further information and satisfaction of other requirements during the spring, 1994.

For those who wish a decision by March 15, particularly those who are hoping to commence operations in fall, 1994, the application must be submitted by February 15, 1994, in order to meet the requirements of the statute. The 1994 application and accompanying guidelines is currently being prepared by the Executive Office and will be sent to all those who request it by mid-January.

## Technical Assistance

The Executive Office of Education has greatly appreciated the role the Pioneer Institute has played in working with government towards the betterment of public education across the Commonwealth. The success of the conference was due in large part to the support and in-

vovement of the Pioneer Institute. Since the conference, Pioneer has continued to work in a complementary fashion with the Executive Office of Education by offering assistance to those groups who want help in developing their school plans.

To help ensure the future quality of Massachusetts' first 25 charter schools, the Pioneer Institute has started a Charter School Resource Center which has two primary functions:

- *To identify and support individuals and groups interested in starting charter schools in Massachusetts and*
- *To help establish a governmental environment that will lead to successful educational outcomes.*

In addition to the Resource Center, the Pioneer Institute will be developing a "How to Start a Charter School" Guide, which will provide information about available resources and advise about the entire process of starting a charter school from the ground up. Those interested in receiving support from the Pioneer Institute should contact Linda Brown at (617) 723-2277.

### **Regulations & Guidelines**

Currently, the Executive Office of Education is drafting regulations which will be promulgated on an emergency basis at the start of the new year. The purpose of the regulations is to clarify the law where it is vague, to establish baseline governmental procedures for reviewing charter school proposals, and to outline the criteria to be used during the review process.

These regulations will go into effect immediately, but will be subject to a *hearing and comment period* to occur within three months of the effective date. Applications will be made available, along with clarifying guidelines, in the beginning of January. As always, the Executive Office of Education welcomes questions and comments, and hopes to continue the successful dialogue initiated at the October conference.

# Charter Schools Nationwide

The charter school reform movement is not merely another attempt to "tinker" with public education; it a fundamental undertaking active at the local, state, and federal level. While the specific details of charter school legislation vary across the country, there is general adherence to the defining components that underlie charter school reform: *parental choice, local autonomy, learning outcomes, teacher accountability, competition, and public-private partnerships.*

Clearly, states that implement charter school reform join a larger nationwide movement which is challenging our country's outdated "cookie-cutter" approach to public education. Since Minnesota approved the first charter school law in the nation in 1991, seven other states have followed suit. In 1992, California became the second state to pass legislation allowing for the establishment of one hundred charter schools. During the 1993 legislative year, six other states enacted into law provisions for the creation of charter schools: Massachusetts, Colorado, Georgia, New Mexico, Missouri, and Wisconsin. Other states where legislation has been proposed, debated, or is pending include, Tennessee, Pennsylvania, Michigan, Arizona, Nevada, Utah, Alaska, Florida, New Jersey, North Carolina, Oregon, Louisiana, Wyoming and Connecticut.

## Local Experiments

At the municipal level, several major cities have established variations of the charter school model. For example, the Detroit Public Schools Empowerment Plan gives selected schools freedom from many municipal regulations, control over their budgets, and flexibility to develop alternative educational curriculum. In Philadelphia, high schools have for some time been permitted to establish "schools-within-a-school" at the high school level. This model allows academies, located within a larger school, to establish unique academic requirements, learning outcomes, and standards. Other large urban districts considering alternative school models include Baltimore, Chicago, and Milwaukee. In Boston, six "Explorer Schools" are currently being developed.

## Federal Support

Although most of the activity has occurred at the state level, critical signs of support have also been demonstrated at the federal level. In 1992, the Senate's Neighborhood Improvement Act (S. 2) and the House's Education Improvement Bill (HR 4323) contained provisions which would further charter school initiatives across the country. Support for charter school reform is evidenced by proposed appropriations of start-up funding included in the reauthorization of the Elementary and Secondary Education Act. Congress is expected to begin holding hearings on this act in Spring of 1994. As the wave of charter school reform continues to gain momentum across the country, we will see a renewed immediacy, at all levels, in the quest to improve the system from within.

## Appendix A

# The Education Reform Act of 1993: Charter School Provisions

*No other state has embraced charter school reform as ambitiously as Massachusetts. Although not perfect, the charter school provision of the Education Reform Act of 1993 provides a solid foundation on which to build 25 "lighthouse schools." Relevant sections of the Education Reform Act of 1993 have been enclosed to serve as a reference for all those interested in Massachusetts' experiment with charter school reform.*

## Chapter 71

### Section 89

A charter school shall be a public school, operated under a charter granted by the secretary of education, which operates independently of any school committee and is managed by a board of trustees. The board of trustees of a charter school, upon receiving a charter from the secretary of education, shall be deemed to be public agents authorized by the commonwealth to supervise and control the charter school. The purposes for establishing charter schools are:

- (1) to stimulate the development of innovative programs within public education;
- (2) to provide opportunities for innovative learning and assessments;
- (3) to provide parents and students with greater options in choosing schools within and outside their school districts;
- (4) to provide teachers with a vehicle for establishing schools with alternative, innovative methods of educational instruction and school structure and management;
- (5) to encourage performance-based educational programs and;
- (6) to hold teachers and school administrators accountable for students' educational outcomes.

Persons or entities eligible to submit an application to establish a charter school shall include, but not be limited to, a business or corporate entity, two or more certified teachers or ten or more parents. Said application may be filed in conjunction with a college, university, museum or other similar entity. Pri-

vate and parochial schools are not eligible for charter school status.

The secretary of education shall establish the information needed in an application for the approval of a charter school; provided, however, that said application shall include the method for admission to a charter school. There shall be no application fee for admission to a charter school.

Applications to establish a charter school shall be submitted each year by February fifteenth. The secretary of education shall review the applications no later than March fifteenth.

The secretary of education shall make the final determination on granting charter school status and may condition charters on the charter school's taking certain actions or maintaining certain conditions. No more than twenty-five charter schools shall be allowed to operate in the commonwealth at any time. Of these, no more than five shall be located in the city of Boston; no more than five shall be located in the city of Springfield; and no more than two shall be located in any other city or town. Under no circumstances shall the total number of students attending charter schools in the commonwealth be allowed to be greater than three quarters of one percent of the total number of students attending public schools in the commonwealth.

A charter school established under a charter granted by the secretary shall be a body politic and corporate with all powers necessary or desirable for carrying out its charter program, including, but not limited to, the following:

- (a) to adopt a name and corporate seal; provided, however, that any name selected must include the words "charter school";
- (b) to sue and be sued, but only to the same extent and upon the same conditions that a town can be sued;
- (c) to acquire real property, from public or private sources, by lease, lease with an option

- to purchase, or by gift, for use as a school facility;
- (d) to receive and disburse funds for school purposes;
- (e) to make contracts and leases for the procurement of services, equipment and supplies; provided, however, that if the board intends to procure substantially all educational services under contract with another person, the terms of such a contract must be approved by the secretary, either as part of the original charter or by way of an amendment thereto; and provided, further, that the secretary shall not approve any such contract terms, the purpose or effect of which is to avoid the prohibition of this section against charter school status for private and parochial schools.
- (f) to incur temporary debt in anticipation of receipt of funds;
- (g) to solicit and accept any grants or gifts for school purposes;
- (h) to have such other powers available to a business corporation formed under chapter one hundred and fifty-six B that are not inconsistent with this chapter.

Charter schools shall be open to all students, on a space available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, or proficiency in the English language, and academic achievement. Charter schools may limit enrollment to specific grade levels or areas of focus of the school, such as mathematics, science, or the arts.

A charter school may establish reasonable academic standards as a condition for eligibility for applicants. Preference for enrollment in a charter school shall be given to students who reside in the city or town in which the charter school is located. If the total number of students who are eligible to attend and apply to a charter school and who reside in the city or town in which the charter school is located, or are siblings of students already attending said charter school is greater than the number of spaces available, then an admissions lottery shall be held to fill all of the spaces in that school from among said students. If there are more spaces available than eligible applicants from the city or town in which said charter school is located and who are siblings of current students, and more other eligible applicants than spaces left available, then a lottery

shall be held to determine which of said applicants shall be admitted. There shall be no tuition charge for students attending charter schools.

A student may withdraw from a charter school at any time and enroll in a public school where said student resides. A student may be expelled from a charter school based on criteria determined by the board of trustees, and approved by the secretary of education, with the advice of the principal and teachers.

A charter school may be located in part of an existing public school building, in space provided on a private work site, in a public building, or any other suitable location. A charter school may own, lease, or rent its space.

A charter school shall operate in accordance with its charter and the provisions of law regulating other public schools; provided, however, that the provisions of sections forty-one and forty-two shall not apply to employees of charter schools. Charter schools shall comply with the provisions of chapters seventy-one A and seventy-one B; provided, however, that the fiscal responsibility of any special needs student currently enrolled in or determined to require a private day or residential school shall remain with the school district where the student resides.

Students in charter schools are required to meet the same performance standards, testing and portfolio requirements set by the board of education for students in other public schools.

The board of trustees, in consultation with the teachers, shall determine the school's curriculum and develop the school's annual budget. Employees of charter schools shall be considered public employees for purposes of tort liability under chapter two hundred and fifty-eight and for collective bargaining purposes under chapter one hundred and fifty E. The board of trustees shall be considered the public employer for purposes of tort liability under said chapter two hundred and fifty-eight and for collective bargaining purposes under chapter one hundred and fifty E. Teachers employed by a charter school shall be subject to the state teacher retirement system under chapter thirty-two and service in a charter school shall be "creditable service" within the

meaning thereof.

Each local school district shall be required to grant a leave of absence to any teacher in the public schools system requesting such leave in order to teach in charter schools. A teacher may request a leave of absence for up to two years.

At the end of the two year period, the teacher may make a request to the superintendent that such leave be extended for an additional two years, and approval for said request shall not be unreasonably withheld or he may return to his former teaching position. At the end of the fourth year, the teacher may either return to his former teaching position or, if he chooses to continue teaching at the charter school, resign from his school district position.

Notwithstanding section fifty-nine C of this chapter, the internal form of governance of a charter school shall be determined by the school's charter.

A charter school shall comply with all applicable state and federal health and safety laws and regulations.

The children who reside in the school district in which the charter school is located shall be provided transportation to the charter school by the resident district's school committee on the same terms and conditions as transportation is provided to children attending local district schools. Student who do not reside in the district in which the charter school is located shall be eligible for a transportation in accordance with section twelve B of chapter seventy-six.

Each charter school shall submit to the secretary, to each parent or guardian of its enrolled students, and to each parent or guardian contemplating enrollment in that charter school an annual report. The annual report shall be issued no later than August first of each year for the preceding school year. The annual report shall be in such form as may be prescribed by the secretary of education and shall include at least the following components:

- (a) discussion of progress made toward the achievement of the goals set forth in the charter;
- (b) a financial statement setting forth by appropriate categories, the revenue and expenditures

for the year just ended;

Individuals or groups may complain to a charter school's board of trustees concerning any claimed violation of the provisions of this section by the school. If, after presenting their complaint to the trustees, the individuals or groups believe their complaint has not been adequately addressed, they may submit their complaint to the secretary of education who shall investigate such complaint and make a formal response.

A charter granted by the secretary of education shall be for five years. The secretary of education may revoke a school's charter if the school has not fulfilled any conditions imposed by the secretary of education in connection with the grant of the charter or the school has violated any provision of its charter. The secretary may place the charter school on a probationary status to allow the implementation of a remedial plan after which, if said plan is unsuccessful, the charter may be summarily revoked. The secretary shall develop procedures and guidelines for revocation and renewal of a school's charter.

Notwithstanding the foregoing, no school building assistance funds, so called, shall be awarded to a charter school for the purpose of constructing, reconstructing or improving said school.

Charter schools shall be funded as follows: If a student attending a charter school resides in a community with a positive foundation gap, the district of the city or town in which said student resides shall pay to the charter school an amount equal to the average cost per student in said district. If a student attending a charter school resides in a community that does not have a positive foundation gap pursuant to chapter seventy, the district of the city or town in which said student resides shall pay to the charter school an amount equal to the lesser of: (1) the average cost per student in said district; and (2) the average cost per student in the district in which the charter school is located.

**SECTION 80**

The board of education shall prepare a plan to extend the time during which students attend school to reflect prevailing norms in advanced industrial countries and to address the educational needs of children in the commonwealth. Said plan shall encourage the establishment of charter schools pursuant to section eighty-nine of chapter seventy-one of the General Laws which fulfill the goals of said plan. Said plan shall contain a practical, but timely, proposal for implementation and detail all associated costs. Said plan and recommended legislation shall be filed with the governor and the clerks of the house and senate no later than January first, nineteen hundred and ninety-five. The board of education is directed to evaluate and define the amount of time, exclusive of extracurricular activities including but not limited to lunch, recess, and other non-instructional activities, students spend in the classroom. Said report which details findings and recommendations shall be filed with the general court no later than September thirtieth, nineteen hundred and ninety-three.

**Section 104**

No charter school, established pursuant to section eighty-nine of chapter seventy-one of the General Laws, added by section fifty-five of this act, may be authorized to open prior to the school year beginning in the fall of nineteen hundred and ninety-five. In the year nineteen hundred and ninety-eight, the general court shall study the effects of the limits on the number of charter school students and shall consider possible increases or decreases. Notwithstanding any reduction in the limit on the number of students allowed to attend charter schools, students enrolled in charter schools shall have a right to continue in that school through its highest grade level unless expelled for cause.

## Appendix B

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